FILED
JUN 16 2008
CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA
BY DEPUTY

UNITED STATES OF AMERICA

SOUTHERN DISTRICT OF CALIFORNIA '08 MJ 8541

UNITED STATES OF AMERICA	Magistrate Case No.:
Plaintiff,	COMPLAINT FOR VIOLATION OF
v.	
GAMEZ-Martinez, Javier	Title 8, U.S.C., Sec., 1326
Defendant.	Attempted Entry After Being Ordered Deported/Removed

The undersigned complainant, being duly sworn, states:

On June 13, 2008, within the Southern District of California, the defendant, Javier GAMEZ-Martinez an alien, who previously had been excluded, deported and removed from the United States to Mexico, attempted to enter the United States with the purpose, i.e., conscious desire, to enter the United States at the Calexico Port of Entry without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant states that this complaint is based on the attached probable cause statement, which is incorporated herein by reference.

Leticia Casillas, CBP
Enforcement Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS DATE 16TH DAY OF June, 2008.

PETER C. LEWIS
UNITED STATES MAGISTRATE JUDGE

UNITED STATES OF AMERICA
v.
Javier GAMEZ-Martinez

PROBABLE CAUSE STATEMENT

The complainant, states that this complaint is based upon the arrest reports of the apprehending officers and the investigation report submitted by Customs Border Protection Enforcement Officer Leticia Casillas.

On June 13, 2008, at approximately 11:10 P.M., the defendant Javier GAMEZ-Martinez arrived at the Calexico Port of Entry and applied for entry through pedestrian primary lanes. United States Customs Border Protection Officer (CBPO) N. Lepe was manning primary pedestrian when Javier GAMEZ-Martinez presented himself and stated that he was a United States citizen born in Los Angeles, CA. CBPO Lepe then escorted Javier GAMEZ-Martinez to the secondary office for further inspection.

In secondary Javier GAMEZ-Martinez stated to United States Customs and Border Protection Enforcement Officer (CBPEO) M. Hernandez that he was born in Los Angeles and that he was on his way to Los Angeles. CBPEO M. Hernandez conducted fingerprint record checks which resulted in a positive match for having been removed from the United States on previous occasions. Javier GAMEZ-Martinez was then escorted to the Port Enforcement Team area where (CBPEO) L. Casillas conducted record checks revealing prior deportation from an Immigration Judge. Records also revealed prior incarceration. Records confirmed that the defendant is an alien, a native and citizen of Mexico with no legal documents to enter into or be in the United States. Javier GAMEZ-Martinez was advised of his Miranda warnings in the English language to which he said he understood.

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UNITED STATES OF AMERICA
v.
Javier GAMEZ-Martinez

Executed on June 14, 2008, at approximately 6:00 P.M.

Leticia Casillas, CBP
Enforcement Officer

On the basis of the facts presented in the probable cause statement consisting of three pages, I find probable cause to believe that the defendant named in this probable cause statement committed the offense on June 13, 2008 in the violation of Title 8, United States Code, $ 1326.

Peter C. Lewis
United States Magistrate Judge

6-14-08 @ 6:07 pm
Date and Time